

**AMENDMENT ONE  
INTERGOVERNMENTAL AGREEMENT**

BETWEEN  
THE STATE OF ARIZONA  
AND  
GILA COUNTY, ARIZONA

**THIS AMENDMENT** is entered into September 1, 2004, **Amendment One** to JPA 01-073, AG Contract No.: KR01-0920TRN, filed with the Secretary of State under No. 25758, pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the GILA COUNTY, ARIZONA, acting by and through its BOARD OF SUPERVISORS (the "County").

1. The State is empowered by Arizona Revised Statutes Section 28-401 to enter into this Agreement and has delegated to the undersigned the authority to execute this Agreement on behalf of the State.

2. The County is empowered by Arizona Revised Statutes Section 11-251 to enter into this Agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this Agreement and has authorized the undersigned to execute this Agreement on behalf of the County.

This Agreement is being amended as follows a) The parties agree to amend the above-referenced Agreement to revise the invoicing and remittance paragraphs to accommodate the County's request to be invoiced "After advertisement". b) Add the Non-Availability of Funds and the Americans with Disabilities Act (Public Law 101-336, 42 U.S.C. 12101-12213) to this Agreement under the Miscellaneous Provisions.

**THEREFORE**, in consideration of the mutual Agreements expressed herein, this Agreement is amended as follows:

#0/  
NO. 25758  
Filed with the Secretary of State  
Date Filed: 09/01/04  
Janice K. Brewer  
Secretary of State

By: Timothy D. Haernewald

**II. SCOPE OF WORK**

1. The State will:

**Paragraph II. 1. a. is deleted and replaced in full as follows:**

a. Invoice the County \$75,000.00 for the County's estimated 50% cost of the construction project, after advertisement. Project Manager will inform the Contract Accounting office in order for the invoice to be submitted to the County. Total estimated project construction cost is \$150,000.00. In the event the actual construction cost is less than \$150,000.00, Gila County and ADOT will equally share the savings.

2. The County will:

**Paragraph II. 2. a. is deleted and replaced in full as follows:**

a. After advertisement and upon 30 days of receipt of an invoice from the State, remit \$75,000.00 for the County's estimated 50% cost for the project construction.

**III. MISCELLANEOUS PROVISIONS**

**Article III. Paragraphs 8. and 9. are added as follows:**

6. This Agreement is subject to all applicable provisions of the Americans with Disabilities Act (Public Law 101-336, 42 U.S.C. 12101-12213) and all applicable federal regulations under the Act, including 28 CFR Parts 35 and 36. The parties to this Agreement shall comply with Executive Order Number 99-4 issued by the Governor of the State of Arizona, and incorporated herein by reference regarding "Non-Discrimination".


7. Non-Availability of Funds: Every payment obligation of the State under this contract is conditioned upon the availability of funds appropriated or allocated for the payment of such obligation. If funds are not allocated and available for the continuance of this contract, this contract may be terminated by the State at the end of the period for which the funds are available. No liability shall accrue to the State in the event this provision is exercised, and the State shall not be obligated or liable for any future payments or for any damages as a result of termination under this paragraph.

**EXCEPT AS AMENDED** herein, ALL OTHER terms and conditions of the original Agreement remain in full force and effect.

---


**IN WITNESS WHEREOF**, the parties have executed this Agreement the day and year first above written.

**GILA COUNTY, ARIZONA**

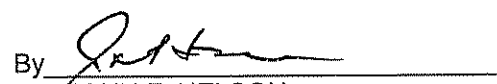
By   
JOSE M. SANCHEZ, Chairman  
Board of Supervisors

**STATE OF ARIZONA**

Department of Transportation

By   
SUSAN TELLEZ  
Contract Administrator

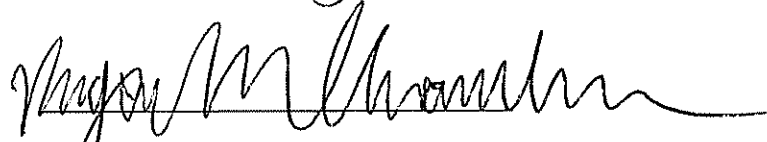
ATTEST

By   
JOHN F. NELSON  
County Manager/Clerk

APPROVAL OF THE GILA COUNTY ATTORNEY

I have reviewed the above referenced proposed Intergovernmental Agreement, between the DEPARTMENT OF TRANSPORTATION, TRANSPORTATION PLANNING DIVISION, and GILA COUNTY and declare this Agreement to be in proper form and within the powers and authority granted to the County under the laws of the State of Arizona. No opinion is expressed as to the authority of the State to enter into this Agreement.

DATED this 30th day of July, 2004.

  
County Attorney

When recorded, return to: **RESOLUTION**  
Marian Sheppard, BOS

NO. ~~04-08-02~~

Resolution authorizing the Gila County Board of Supervisors to sign Amendment One of the Intergovernmental Agreement with the State of Arizona, Department of Transportation, for Arizona Department of Transportation File No. JPA 01-073 for the realignment of the Bradshaw Road intersection at State Route 87; and the construction of North and South bound left and right decal/turn lanes on State Route 87, and,

**WHEREAS**, the parties have entered into the above described Intergovernmental Agreement on December 17, 2002, and,

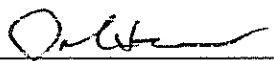
**WHEREAS**, Amendment One of the Intergovernmental Agreement requires a resolution of Gila County to authorize the execution of the agreement.

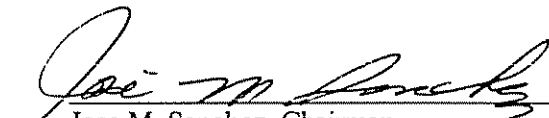
**NOW, THEREFORE, BE IT RESOLVED** that Gila County Board of Supervisors authorizes the Chairman, Jose M. Sanchez to execute the Amendment One of Intergovernmental Agreement for Arizona Department of Transportation File No. JPA 01-073 for improvements to State Route 87, and authorizes him to take all actions to carry out all provisions of the agreement.

**PASSED AND ADOPTED** this 16th day of August, 2004.


**Attest:**

**GILA COUNTY BOARD OF SUPERVISORS**

  
John F. Nelson, Clerk

  
Jose M. Sanchez, Chairman

**Approved as to Form:**

  
Daisy Flores  
Gila County Attorney

for



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ARIZONA

TERRY GODDARD  
ATTORNEY GENERAL

CIVIL DIVISION  
TRANSPORTATION SECTION  
WRITER'S DIRECT LINE: 602.542.8855

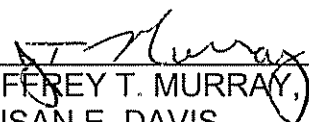
**INTERGOVERNMENTAL AGREEMENT**  
**DETERMINATION**

A.G. Contract No. KR01-0920TRN (**JPA 01-073-Amendment One**), an Agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the Undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining Parties, other than the State or its agencies, to enter into said Agreement.

DATED August 27, 2004.

TERRY GODDARD  
Attorney General

  
\_\_\_\_\_  
JEFFREY T. MURRAY, for  
SUSAN E. DAVIS  
Assistant Attorney General  
Transportation Section

SED:dgr  
Attachment  
863393